IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7452 OF 2005

Rinku Gadekar & Ors. .. Applicants

Versus

State of Maharashtra & Ors. .. Respondents

Mr.K.S.Patil for applicants

Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 24th November 2005.

P.C.

. Applicants are related to one Meenakshi Gagade who has married one Mr.Ravindra Gagade (complainant). There are matrimonial disputes.

It appears that the minor children who were in the custody of the said Meenakshi were taken away by Ravindra and that fact was informed by her to her relations viz., applicants herein. Meenakshi also lodged a complaint with regard to the children being taken away by Ravindra.

2. Prosecution alleged that agitated by the fact that children were removed from the custody of mother, who is related to one of the applicant, they went to the house of Ravindra and demanded custody of children. Prior thereto allegation is that they threatened and abused Ravindra. Thereafter, the allegation is that after visiting the house of said Ravindra, applicants assaulted him with stick and also administered feast blows.

3. Applicants state that they have no criminal antecedents. It is only on account of the fact that they were agitated by the children

being taken away from the lawful custody of their mother, who is related closely to them, that the entire incident took place. It is pointed out that the first applicant is an autorikshaw driver, whereas applicant No.2 is student at Wadia college. Applicants are willing to cooperate with the investigation and attend police station. It is their case that statements have been recorded. They will not in any manner violate conditions that are imposed by the court. It is in these circumstances that learned Counsel for applicants contend that applicants' custody is not necessary.

4. Learned A.P.P. pointed out that as far as the investigations are concerned, they are in progress and on account of injuries which are caused to complainant, it would be necessary to interrogate applicants.

5. In my view, considering that the offences

alleged are under sections 324 and 452 read with 34 I.P.C. and the applicants having no criminal antecedents and further they being willing to attend police station and comply with all the conditions, it is not necessary to detain them in custody. This is a case where the matrimonial disputes between relations of applicants are the root cause of the incident. Accordingly following order:-

i) In the event of the arrest of applicants in connection with C.R.No.363 of 2005 registered with Hadapsar police station, the applicants shall be released on bail on personal bond in the sum of Rs.5000/- each.

ii) Applicants shall attend Hadapsar police station every day from tomorrow between 10.00 a.m. and 1.00 p.m. for one week and thereafter report at the

said police station twice a week on every Monday and Thursday between 10.00 a.m. and 1.00 p.m. till the charge sheet is filed.

iii) Bail is granted subject to condition that the applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the court or to the police officer/ investigating agency. The applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of

trial.

v) This order will enure to the benefit of the applicants only till charge sheet is filed. Thereafter he will be free to apply to the appropriate court for appropriate relief.

vi) Application disposed of in the above terms.

vii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)